

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
CCK94028

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,041,109, granted March 21, 2000, and for which a reissue patent is sought on the invention entitled Telecommunications System Having Separate Switch Intelligence and Switch Fabric,

the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number _____ / _____
and was amended on _____.
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows: The claims of the issued patent claim less than we had the right to claim in the patent because the attorney in charge of the application failed to appreciate the full scope of the invention. Specifically, each of the claims of the issued patent, directly or indirectly, recites the presence of a switch fabric, a switch intelligence, a switch fabric proxy service, and a feature processor. The switch fabric proxy service recitation in independent claim 1 alone was cited by the examiner in the "Reasons for Allowance." The switch fabric proxy service itself is patentably distinct and is optionally combined with the switch fabric and/or the switch intelligence. New claim 9, for example, recites the switch fabric proxy service as a patentably distinct entity. New claim 11, for example, recites a switch fabric proxy service in combination with a switch fabric, as discussed, for example, at col. 5, lines 6-12 of the specification. New claim 22, for example, recites the switch fabric proxy service in combination with a switch intelligence, as discussed, for example, at col. 6, lines 1-4 of the specification.

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DATE

(REISSUE APPLICATION) DECLARATION BY THE INVENTOR		Doc. Number (Optional) CC 0028
Full name of third joint inventor (given name, family name) Carol Waller		
Inventor's signature	Date	
Residence 302 S. Malone Road Allen, Texas 75002	Citizenship US	
Mailing Address Same as above.		
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of:

Douglas Ross CARDY, *et al.*

Patent No. 6,041,109

Reissue Not yet assigned

Appln. No.:

Reissue January 23, 2002

Appln. Filed:

For: Telecommunications System Having
Separate Switch Intelligence and
Switch Fabric

Art Unit: Not yet assigned

Examiner: Not yet assigned

Atty. Docket: CCK94028

**Declaration of Frank McKiel, Jr. in Support of
Petition Pursuant to 37 C.F.R. § 1.47(a)**

1. I am employed at WorldCom Inc. as a patent agent. As an employee of WorldCom, Inc., which is the parent of MCI Communications Corporation ("MCIC"), my responsibilities include performing patent work relating to patents owned by MCIC.

2. In November, 2001, responsibility for making contact with Carol Waller in connection with U.S. Patent No. 6,041,109 ("the '109 patent") was turned over to me from Timothy DeWitt of Arnold & Porter.

3. On December 5, 2001, I spoke to Ms. Waller by telephone regarding the '109 patent for the first time. Ms. Waller and I discussed filing a reissue of the '109 patent and various issues regarding the claims of the '109 patent. Prior to this discussion, Ms. Waller had received a set of draft reissue claims from Mr. DeWitt and indicated to me that she had reviewed those claims. During this conversation, Ms. Waller indicated that she would cooperate with respect to the filing of the reissue of the '109 patent. In that telephone call, we made tentative arrangements to talk about a reissue application for the '109 patent again the following week.

4. On December 7, 2001, I sent Ms. Waller a follow-up e-mail message regarding the filing of a reissue application for the '109 patent.

5. On December 7, 2001, I received a reply from Ms. Waller.

6. As we had planned, Ms. Waller and I had had a prolonged discussion on December 11, 2001, regarding her views with respect to draft claims for the reissue.

7. Following my December 11, 2001, conversation with Ms. Waller, I modified the draft reissue claims in an effort to accommodate Ms. Waller's comments regarding the draft claims. On or about December 19, 2001, I left a voice mail message at Ms. Waller's home phone and sent her an e-mail message regarding the changes I had made to the draft claims.

8. On December 24, 2001, I again left a voice mail message at Carol Waller's home urging her to contact me and providing several numbers where I could be reached.

9. From 12/26 - 1/6, I called Ms. Waller's home on several occasions without leaving message to see if she happened to be at home.

10. On January 7, 2002, I finally reached Ms. Waller again at her home. Ms. Waller indicated that she had just gotten back into town from the holidays and we made arrangements to go over the revised draft reissue claims on Wednesday January 9, 2002, at 10 a.m. central time.

11. On January 8, 2002, I sent an e-mail message to Ms. Waller confirming our conference scheduled for January 9, 2002.

12. On January 9, 2002, I called Ms. Waller as planned, and she indicated that she was not prepared to go over the claims and that we needed to postpone our conference. She promised to send me an e-mail later that day or early the next morning to provide a rescheduled time. I emphasized our desire to get this matter finished.

13. On January 11, 2002, I called Ms. Waller's home phone, but did not get an answer and did not leave a message.

14. On January 14, 2002, I called Ms. Waller's work phone and home phone and left messages. After leaving the message, I sent by overnight courier a copy of the revised draft reissue claims and a draft declaration for Ms. Waller, including prepaid Airborne Express envelope addressed to outside counsel Tim DeWitt. The cover letter sent therewith set forth a deadline of Thursday, Jan 17th for Ms. Waller to respond. I then sent an e-mail message to Ms. Waller's home advising her of the documents being sent.

15. On January 14, 2002, I also sent to Douglas Cardy, another inventor of the '109 patent, a copy of the revised draft reissue claims and a draft declaration, including prepaid Airborne Express envelope addressed to outside counsel Tim DeWitt. On January 15, 2002, I discussed the revised draft reissue claims with Mr. Cardy, and he indicated that he believed the revised draft reissue claims were consistent with what he had intended at the time the original application was filed. Mr. Cardy thereafter signed the declaration and sent to Timothy DeWitt.

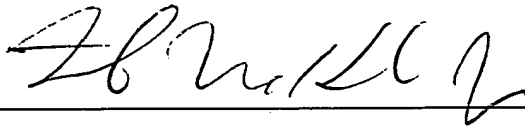
16. On January 16, 2002, I received an e-mail message from Ms. Waller indicating that she had just returned from being out of town, had received the package I sent on January 14, 2002, and had begun reviewing the materials.

17. On January 18, 2002, I received another e-mail from Ms. Waller indicating that she had spent some time reviewing the claims, but that she would not be able to complete the process and discuss the claims with me again at least until after she returned a from a trip the following week. Recognizing both that she was very busy and that we had tried many

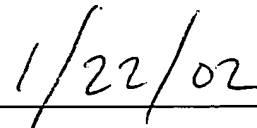
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times to discuss the revised draft claims with her, Ms. Waller stated that we should proceed with the filing of the reissue application without a declaration from her.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of this application or any patent issuing thereon.



Frank McKiel, Jr.



Date

20064245-012402

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of:

Douglas Ross CARDY, *et al.*

Patent No. 6,041,109

Reissue Not yet assigned

Appln. No.:

Reissue January 23, 2002

Appln. Filed:

For: Telecommunications System Having
Separate Switch Intelligence and
Switch Fabric

Art Unit: Not yet assigned

Examiner: Not yet assigned

Atty. Docket: CCK94028

**Declaration of Timothy R. DeWitt in Support of
Petition Pursuant to 37 C.F.R. § 1.47(a)**

1. I am patent counsel for the assignee, MCI Communications Corporation ("MCIC"), and I am a partner in the law firm of Arnold & Porter.
2. On October 4, 2001, I contacted Carol Waller, a named inventor of U.S. Patent No. 6,041,109 ("the '109 patent"), to discuss the possible filing of a reissue application for the '109 patent. Ms. Waller confirmed that she was a former employee of WorldCom Inc., which is now the parent corporation of MCIC. She also advised me that she now works for a vendor of WorldCom and other telecommunications companies. I spoke to Ms. Waller for over an hour about the '109 patent disclosure, the issued claims of the '109 patent, and the reasons MCIC believed a reissue application should be filed. I also discussed with Ms. Waller the whereabouts of her co-inventors on the '109 patent, Douglas Cardy and Ken Rambo. Ms. Waller indicated that she believed that Douglas Cardy lived in Texas and that Ken Rambo was now an employee of Qwest Communications in Colorado. At the conclusion of our conversation, Ms. Waller agreed to review a set of draft claims for a reissue application and provide her comments.

3. After our telephone conference on October 4, 2001, I sent a draft set of reissue claims to Ms. Waller via e-mail, along with my contact information. Ms. Waller never responded to my e-mail message. During the next few weeks, I made several attempts to call Ms. Waller to confirm that she received my e-mail message, but I was unable to reach her. On October 23, 2001, I finally reached Ms. Waller by telephone. She confirmed that she had received my e-mail message with the draft set of reissue claims, and stated that she had been very busy and had not had a chance to review the claims. She indicated that she would review the claims in the next few days. At the conclusion of our conversation, I sent Ms. Waller to request a date and time at which she could discuss the draft claims with me. After receiving no response for nearly two weeks, I sent Ms. Waller a follow-up e-mail message on November 5, 2001. Ms. Waller did not respond to any of my e-mail messages.

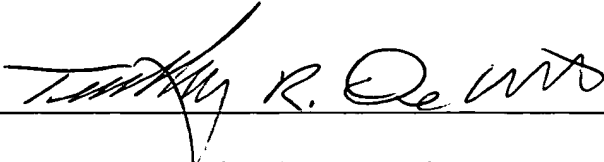
4. Later in November, 2001, responsibility for continuing contact with Ms. Waller was turned over to Frank McKiel, an in-house patent agent at WorldCom who had prior dealings with Ms. Waller and Mr. Cardy.

5. On January 16, 2002, I contacted Ken Rambo, also named inventor of U.S. Patent No. 6,041,109. Mr. Rambo advised me that he is a former employee of WorldCom and is now employed at Qwest Communications, a competitor of WorldCom. Mr. Rambo politely refused to join the application because he believed assisting WorldCom with patent work would be a conflict with Qwest Communications, his current employer.

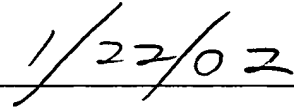
6. I called Mr. Rambo again on January 17, 2002, and obtained the following address for him:

Ken Rambo
170 Sunlight Dr.
Grand Junction, CO 81503

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of this application or any patent issuing thereon.



Timothy R. DeWitt



Date

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: MCI Communications CorporationApplication No./Patent No.: 6,041,109Filed/Issue Date: March 21, 2000Entitled: Telecommunications System Having Separate Switch Intelligence and Switch FabricMCI Communications Corporation, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7909, Frame 0360, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

March 11, 2002
Date

Robert A. Peterson
Signature

Robert A. Peterson

Typed or printed name

Assistant Secretary of

MCI Communications Corporation

Title

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional) CCK94028
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) MCI Communications Corporation		
Patent Number 6,041,109	Date Patent Issued March 21, 2000	
Title of Invention Telecommunications System Having Separate Switch Intelligence and Switch Fabric		
<p>1. <input checked="" type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b).</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent has been made.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee owning an undivided interest in said original patent is/are <u>MCI Communications Corporation</u> and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) MCI Communications Corporation		
Signature 	Date JAN. 11, 2002	
Typed or printed name and title of person signing for assignee (if assigned) Robert A. Peterson, Assistant Secretary of MCI Communications Corporation		

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

